

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In re)	
)	
Telecommunications Relay Services and)	
Speech-to-Speech Services for Individuals)	CG Docket No. 03-123
With Hearing and Speech Disabilities)	CG Docket No. 10-51
Application for TRS Certification to)	
Provide IP Captioned Telephone Service)	
To: Chief, Consumer and Governmental Affairs Bureau,		
Internet-based TRS Certification Application		

**AMENDMENT TO APPLICATION OF MIRACOM USA, INC. FOR
CERTIFICATION
TO PROVIDE IP CAPTIONED TELEPHONE SERVICE**

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September 12, 2013

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**AMENDMENT TO APPLICATION OF MIRACOM USA, INC. FOR
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TO PROVIDE IP CAPTIONED TELEPHONE SERVICE**

Miracom USA, Inc. (“Miracom” or “Company”), by counsel and pursuant to the Commission’s January 11, 2008, declaratory ruling in this proceeding,¹ the *Report and Order and Further Notice of Proposed Rulemaking* in CG Docket Nos. 13-24 and 03-123, FCC 13-118 (August 26, 2013), and FCC Rule Sections 64.604, 64.605 and 64.606 (47 C.F.R. §§ 64.604, 64.605 and 64.606), respectfully submits this Amendment to its pending application for certification to provide Internet Protocol Captioned Telephone Service (“IP CTS”).

This Amendment, certified by Miracom’s COO Chuck Owen, does the following:

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379 (Jan. 11, 2007) (“*IP CTS Ruling*”). See also *Public Notice*, CG Docket No. 03-123, DA 08-478, 23 FCC Rcd 2889 (Feb. 28, 2008) (“*Public Notice*”).

(1) Amends the application to indicate that Miracom will provide its service 24 hours a day, seven days a week.

(2) Amends the application to further explain how captions will be delivered to the user. IP CTS calls handled through the Innocaption telephone number will be billed as minutes to the user through the user's regular telephone service provider. When users register for InnoCaption, Miracom will do a 1:1 mapping of the user's assigned carrier phone number to the unique 10 digit number Miracom assigns. The user is also required to have a voice and data plan. When a phone call is made, the call is connected to the mobile N/W (carrier network) and then onto the InnoCaption server for validation of the 1:1 mapping. Miracom delivers audio of the other party thru the voice channel of the mobile N/W and captions of that audio are handled on the packet data channel, which in most cases will be on the mobile N/W to a consumer's phone. This is why both a voice and data plan is required

(3) Amends the application to explain how Miracom will ensure that users do not use the service as a substitute for CART service. Miracom will not condone, promote or encourage use of this product for CART substitution. The Miracom system does not technically allow the consumer to use this product for CART services. The consumer of InnoCaption cannot call or gain access to the communication assistant on their phone call. The CA is only connected to the other party thru the InnoCaption server on the voice channel. Miracom will provide in our terms of use that consumers must read before registration, the intended purpose of the service, which is to make and receive phone calls and that it is not intended to be used as a CART service substitute during public meetings,

speeches or other potential abuses of the service. Miracom will also train CAs to be alert to situations where a consumer is attempting to use our service as a substitute for CART, for example, if it appears that the caller is attending a public meeting or event and seeking to use the service as a CART substitute. If the call is being used to provide private CART services the call will be terminated by the CA. Miracom's CAs will be trained to look for other indications of abuse by the user if something other than personal phone calling activity is occurring.

(4) Amends its application to further explain its registration procedure. Every new user will be required to register for the service and pay a one-time fee of \$75. Miracom will confirm that the mobile phone number the consumer provides is both a US-based number and valid with the user's carrier. Miracom will then generate a unique 10-digit number that is assigned to the mobile number to ensure 1:1 mapping for the registration and every phone call thereafter. The registration form on which the consumer self-certifies must be completed in full along with a payment of \$75 before any registration occurs. The Miracom server will verify 1:1 mapping of the phone number the consumer provided at registration with the 10-digit captioning number we provide on every phone call to ensure that calls are made from within the United States to continue validation beyond the initial registration. Face to face registrations will require presentment of a government issued photo identification card. Non face to face registrations will require use of a credit card to pay the \$75 fee and the name and address will be verified using AVS address verification. Registration will include agreement to Miracom's terms of service and identity and address verification as discussed above. Until the consumers mobile

number is registered with the InnoCaption server and the 10 digit number is created, no phone calls can be captioned or completed until the mobile app has been successfully registered on the device to the InnoCaption server. Miracom no longer proposes to offer the InnoCaption product to users for a 14- day free trial period. Miracom will upon request provide the FCC any reports relating to numbers of registered users or other requested data.

(5) Amends its application to further explain how its system will work. There will be a number of different options available to consumers to read captions depending on their needs. To watch captions and listen to an amplified voice depends on the consumer's particular situation and the environment in which a call is being received or answered. Miracom recommends consumers use one of the ancillary devices available to most hearing aids or Cochlear Implants, such as a Bluetooth, Silhouette, personal hearing loop, FM transmitter or ICOM device. The consumers can then look at the captions and listen to the other party, which will give the consumer a similar functional equivalence to that of any hearing person using a Bluetooth device. Miracom does not anticipate the speakerphone function generally being able to provide sufficient amplification, but it is available to those who may benefit and prefer to use it. Miracom anticipates most users using one of the ancillary devices or something similar mentioned above. Wi-Fi can be used to satisfy the packet channel data portion of the InnoCaption product, but not the voice channel portion of the call that is required to provide service. Ultimately, it is a matter of the consumer's choice as the service does not restrict any of the available means to listen to the audio discussed above.

(6) Amends its application to confirm that Miracom will not offer any rewards for referrals or adopt any other programs that offer or provide payments or incentives to sign up for or use its service. Miracom will not offer or provide to any person or entity any form of direct or indirect incentive, financial or otherwise, to register for or use IP CTS or offer or provide to a third party hearing health professional, any direct or indirect incentive, financial or otherwise, that is tied to a consumer's decision to register for or use IP CTS. Miracom will not enter into any joint marketing arrangements with hearing health professionals.

(7) Amends its application to confirm that as part of its registration process, Miracom will obtain from each consumer the consumer's full name, date of birth, last four digits of the consumer's social security number, address and telephone number and a self-certification as revised below. Such self-certification will state that the consumer: (1) has a hearing loss that necessitates use of captioned telephone service; (2) understands that captions on captioned telephone service are provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone; (3) understands that the cost of captioning each Internet protocol captioned telephone call is funded through a federal program; and (4) will not permit, to the best of the consumer's ability, persons who have not been registered to use Internet protocol captioned telephone service to make captioned telephone calls on the consumer's registered IP captioned telephone service or device. The self-certification be made on a form separate from any other user agreement (such as on a separate page), it will bear a separate signature specific

to the self-certification – which can be an electronic signature – and the certification signature will be made under penalty of perjury.

(8) Amends its application to confirm that Miracom will maintain the confidentiality of registration and certification information that it acquires, and to not disclose such registration and certification information except as required by law and that Miracom will make available for Commission review each consumer's registration records, records describing any IP CTS equipment and software provided, directly or indirectly, to such consumer and the amount paid for such equipment or software. Such records shall be maintained for a minimum of five years after the consumer ceases to obtain service from Miracom.

(9) Amends its application to confirm that Miracom will not seek compensation from the TRS Fund for IP CTS minutes of use generated by software distributed for free or at a price below \$75 unless the user provides proof of having previously obtained IP CTS equipment or software for \$75 or more or has been deemed eligible for a device from a state EDP.²

(10) Amends the application to indicate that it will ensure that it does not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements. Specifically, the InnoCaption application will not be active without a valid registration and certification having been submitted. Furthermore, the InnoCaption application cannot operate unless mapped 1:1 to a valid

² Note that purchase of a wireless phone does not meet this requirement; the consumer would have to purchase specific IP CTS equipment or another IP CTS software application to avoid paying another \$75 fee.

wireless number located within the United States. Furthermore, face to face registrations will require presentment of a government issue ID. Non face to face registration will require credit card payment of the \$75 fee and AVS address and name verification. All registration data will be reviewed by a supervisor or compliance officer as a check against internal or external fraud or abuse. In this way, Miracom will ensure that only persons qualified under the FCC's rules can register and use its service.

(11) Amends its application to confirm that each time a user logs into the Miracom InnoCaption application, the following message will be displayed on the user's screen:

**FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS
WITH HEARING LOSS FROM USING THIS SERVICE**

(12) Amends its application to indicate that incoming calls will only be captioned after the user presses an easily operated electronic button or icon requesting captioning for that call. If the consumer fails to turn on captioning, the call will be terminated.

(13) Amends its application to provide a revised User Registration Form and text of its revised Compliance Plan.

The Declaration under penalty of perjury of Miracom COO Chuck Owen, certifying to this Amendment, is attached hereto.

Respectfully submitted,

MIRACOM, INC.

By: /s/ George L. Lyon, Jr.
George L. Lyon, Jr.
Its Counsel

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DECLARATION UNDER PENALTY OF PERJURY OF CHUCK OWEN

Chuck Owen, under penalty of perjury, deposes and states as follows:

1. I am the Chief Operations Officer of Miracom USA, Inc.
2. I have read the attached Amendment to Miracom's pending application for certification to provide Internet protocol captioned telephone service.
3. The factual statements set forth in the Amendment and in this declaration are true and correct to the best of my knowledge, information and belief.

 /s/ Chuck Owen
Chuck Owen

September 12, 2013